

**REMARKS****Claim Status**

Claims 22-24, and 39-52 are pending in the application. Claims 22-24, 32 and 39-43 stand rejected.

Claims 44-51 and Claim 51 are added by the Amendment of March 23, 2009, are not examined and are indicated as withdrawn. It is Applicants' understanding that the withdrawal of Claims 44-51 is subject to non-allowance of the linking claims (*i.e.* Claim 22).

**Claim Amendments**

Claim 52 has been cancelled.

Claim 22 has been amended to correct an obvious typographical error in the structural formula (2).

**Examiner Interview**

A telephonic interview, initiated by Examiner Nwaonicha took place on December 9, 2009 between Alexander Akhiezer, Ph.D., representing Applicants, and Examiner Nwaonicha, representing the USPTO.

The parties discussed a suggested amendment to Claim 22. The Examiner indicated that Claim 32 is allowable and that if Claim 22 is amended to recite the subject matter of Claim 32, dependent on Claim 22, Claim 22 would be allowable as well.

Applicants agreed to amend Claim 22 as suggested.

**Election/Restriction**

The Examiner stated that Claims 44-51 are withdrawn as drawn to non-elected subject matter.

As such, Applicants note that the Examiner's withdrawal of Claims 44-52 is understood as a *provisional* withdrawal of subcombination claims, based on the rejection, over the cited references, of a linking claim (Claim 22), which covers a species selected for the purposes of

search and examination (Bis(9,9'-spirobifluoren-2-yl)phenylphosphine oxide (matrix material M1)). As described in M.P.E.P. §809:

When all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability. Where the requirement for restriction in an application is predicated upon the nonallowability of generic or other type of linking claims, applicant is entitled to retain in the application claims to the nonelected invention or inventions.

With the present amendment, Claim 22 is allowable. As such, Applicants request the rejoinder of Claims 44-51.

### **CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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